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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SANTOS RENE SOTO, and
SANTOS MOISES SOTO, III,

Defendants.

No. CR 22-00378 WHO

STIPULATION AND ORDER TO CONTINUE
STATUS CONFERENCE AND EXCLUDE
TIME UNDER THE SPEEDY TRIAL ACT

Plaintiff United States of America, through undersigned counsel, and defendants Santos Rene Soto and Santos Moises Soto III (defendants), through undersigned counsel, stipulate as follows:

1. A status conference is presently set in this matter for August 22, 2024. For the reasons set forth below, the parties request that this status conference be continued to November 7, 2024, and that time be excluded during that time period under the Speedy Trial Act.

2. On September 28, 2022, a federal grand jury returned an indictment against defendants charging them with various federal crimes including Conspiracy in violation of 18 U.S.C. § 371; Conspiracy to Commit Wire Fraud in violation of 18 U.S.C. § 1349; Wire Fraud in violation of 18

1 U.S.C. § 1343; Bank Fraud in violation of 18 U.S.C. § 1344(2); and False Statement on a Loan
2 Application in violation of 18 U.S.C. § 1014. Defendants are free on pretrial release.

3 3. The government has produced discovery in this case and continues to produce
4 discovery. As part of its investigation, the government seized numerous electronic devices and items
5 that contain digital evidence and stored electronic information. After meeting and conferring, the
6 government returned electronic evidence including thumb drives, hard drives, and laptop computers.
7 Defense counsel continues to process, review and utilize these items in the preparation of their
8 defense. Thereafter, defense counsel requested the return of business records, documents, and other
9 materials seized by the government during the execution of a 2022 search warrant. The parties are
10 continuing to meet and confer on this issue. The defense takes the position that business records are
11 essential to the development of their defense.

12 4. Counsel for defendants represent that failure to grant the continuance would deny them
13 reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
14 Counsel for defendants also agree that the requested exclusion of time is not based on congestion of
15 the Court's calendar, lack of diligent preparation on the part of the attorney for the government or the
16 defense, or failure on the part of the attorney for the government to obtain available witnesses.

17 5. Counsel for defendants represent that they have fully informed their clients of their
18 Speedy Trial rights and that, to their knowledge, their clients understand those rights and agree to
19 waive them. Defendants' counsel further believe that their clients' decision to give up their right to be
20 brought to trial earlier than if time were not excluded from the Speedy Trial Act is an informed and
21 voluntary one.

22 6. For these reasons, the parties request that the status conference currently scheduled for
23 a hearing via Zoom on August 22, 2024, be continued to November 7, 2024, also for a hearing via
24 Zoom. Based on these facts agreed to by the parties, the time period of August 22, 2024, through
25 November 7, 2024, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv), for
26 effective preparation and continuity of counsel.

27 7. Nothing in this stipulation shall preclude a finding that other provisions of the Speedy
28 Trial Act dictate that additional time periods be excluded from the period within which trial must

1 commence. Moreover, the same provisions and/or other provisions of the Speedy Trial Act may in the
2 future authorize the exclusion of additional time periods from the period within which trial must
3 commence.

4 IT IS SO STIPULATED.

5 DATED: August 21, 2024

ISMAIL J. RAMSEY
United States Attorney

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7 /s/
LLOYD FARNHAM
8 ALETHEA SARGENT
Assistant United States Attorneys

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10 /s/
EDWIN PRATHER
11 Attorney for Defendant
Santos Rene Soto

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13 /s/
DANIEL BLANK
14 Attorney for Defendant
Santos Moises Soto III

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17 **ORDER**

18 The Court has read and considered the Stipulation to Continue Status Conference and Exclude
19 Time Under the Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the
20 Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that provide
21 good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.


22 The Court further finds that: (i) the ends of justice served by the continuance outweigh the best
23 interest of the public and defendants in a speedy trial; (ii) failure to grant the continuance would be
24 likely to make a continuation of the proceeding impossible or result in a miscarriage of justice; and
25 (iii) failure to grant the continuance would deny defense and government counsel the reasonable time
26 necessary for effective preparation, taking into account the exercise of due diligence.

27 THEREFORE, FOR GOOD CAUSE SHOWN:
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1 The status conference currently scheduled for August 22, 2024, via Zoom is continued to
2 November 7, 2024, at 1:30 p.m., via Zoom. The time period of August 22, 2024, to November 7,
3 2024, inclusive, is excluded in computing the time within which the trial must commence, pursuant to
4 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv). Nothing in this Order shall preclude a finding
5 that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the
6 period within which trial must commence. Moreover, the same provisions and/or other provisions of
7 the Speedy Trial Act may in the future authorize the exclusion of additional time periods from the
8 period within which trial must commence.

9 IT IS SO ORDERED.

10 DATED: August 22, 2024

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12 HONORABLE WILLIAM H. ORRICK
13 UNITED STATES DISTRICT JUDGE
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